

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSE LUIS SARMIENTO-ZUNIGA,
Defendant.

Criminal No. CR 08-0715 VRW

**[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
FROM DECEMBER 11, 2008 TO
FEBRUARY 5, 2009**

The parties appeared before the Honorable Chief Judge Vaughn R. Walker on December 11, 2008. With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from December 11, 2008 to February 5, 2009, in light of the need for defendant's counsel to prepare for possible resolution of the case and in light of that same counsel's absence from the district for three weeks of that period. Failure to grant the requested continuance would unreasonably deny the defendant continuity of counsel and would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

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2. Given these circumstances, the Court found that the ends of justice served by excluding the period from December 11, 2008 to February 5, 2009 outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from December 11, 2008 to February 5, 2009 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 12/17/08

/s/
RONALD TYLER
Assistant Federal Public Defender
Counsel for Jose Luis Sarmiento-Zuniga

DATED: 12/17/08

/s/
JEANE HAMILTON
Special Assistant United States Attorney

IT IS SO ORDERED.

DATED: 12/18/2008

